

**REMARKS**

Reconsideration and allowance are respectfully requested in view of the preceding amendments and following remarks.

By this amendment, claim 21 is amended. Claims 1, 4-6, 8-9, 12-14 and 16-21 are pending in the present application, of which claims 1, 8 and 21 are independent. The remaining claims were previously cancelled.

**Claim Rejections Under 35 U.S.C. § 101**

Claim 21 was rejected under 35 U.S.C. §101 for allegedly being directed to non-statutory subject matter. Applicants have amended claim 1 to the Examiner's suggested language. Applicants submit that this amendment may be entered after final because it is the claim language that the Examiner proposed, and would reduce the pending issues in this case.

Withdrawal of this rejection of claim 21 is therefore requested.

**Claim Rejections Under 35 U.S.C. § 103**

Claims 1, 4, 9, 12 and 17-21 were rejected under 35 U.S.C. §103(a) on page 3 of the Office Action as being unpatentable over Gonzalez et al. (U.S. Patent Application Publication No. 2003/0200149, hereinafter "Gonzalez") in view of Wookey (U.S. Patent Application Publication No. 2002/0147974 A1, hereinafter "Wookey"), in view of Brown (U.S. 2003/0212780 A1, hereinafter "Brown"), in view of Te'eni et al. (U.S. Patent No. 6,725,452 B1, hereinafter "Te'eni"), and in view of Moshir et al. (U.S. Patent Application Publication No. 2004/0003266, hereinafter "Moshir"). This five-way rejection of Applicants' claims is respectfully traversed.

Initially, it is noted that Applicants' claims 1 and 9 recite, among other features, an "automation system." None of the cited art suggests or discloses a "distributed automation system." The cited art is directed to personal computers which are not distributed systems.

The last paragraph in each of claims 1 and 9 also recites "the installation tool automatically checks the software packages taking account of rules, stipulations and dependencies among the system components." The Examiner has acknowledged that none of Gonzalez, Wookey, Brown or Te'eni discloses Applicants' claim element regarding "stipulations."

The Examiner's assertion that Moshir discloses "stipulations" is unsupported by the Moshir document, even when this document is considered in combination with the other four documents relied upon by the Examiner. Neither the "match" function of Moshir's block 808, nor the "send" function of Moshir's block 810 constitutes a "stipulation" as presently claimed. For example, Applicants' specification discloses that a "rule manager stipulates, during generation, which files are part of a package and examines them for dependencies and conflicts." Published paragraph [0014], underlining added. Thus, Applicants' claimed stipulation function is in addition to accounting for "rules" and "dependencies" and, for example, defines which files are part of the claimed software package. In contrast, Moshir uses a software location reference of software that is to be installed, and therefore Moshir's device has no need to provide any stipulated information about which files are part of any package (e.g., so that a rules manager can check for dependencies). The Moshir document simply does not disclose an installation tool which automatically checks software packages taking account of stipulations in addition to rules and dependencies.

Moreover, none of the cited art, considered individually or in the combination asserted by the Examiner, discloses or suggests Applicants' claimed feature whereby "the installation tool automatically checks the software packages taking account of rules, stipulations and dependencies among the system components."

System components are, for example, operator stations, engineering stations, archiving stations, controllers with processing stations, input and output units and communication interfaces."

In contrast, none of the documents relied upon disclose Applicants' installation tool feature. For example, Te'eni, even when considered in combination with the other four cited documents, does not suggest or disclose an installation tool which provides automatic checking among distributed "system components." The Te'eni document, like the other cited art, is simply directed to personal computers, and performs no check among components of a distributed system. The Moshir document also fails to disclose or suggest checking among distributed "system components" because Moshir is also directed to personal computers. Because distributed system components of a distributed automation system are not present in a personal computer, the combination of documents relied upon by the Examiner fails to disclose or suggest Applicants' invention as recited in claims 1 and 9.

Claim 1 further recites a feature of a data management unit which "transfers the software packages to the installation tool." Claim 9 recites a similar element. The Examiner acknowledges that Gonzalez lacks this element.

Features of the Gonzalez document cannot be properly combined with features from the other cited documents, such as Wookey, to cure this defect, as Wookey teaches away from the asserted combination. More particularly, Gonzalez

is directed to creating a network installation package (NIP), and a Network Installation Manager is included within the NIP. With Gonzalez' system, a vendor can simply provide a NIP with purchased hardware, and the customer can run the NIP for creating a network setup. Gonzalez, abstract.

In contrast to Gonzalez' creation of a network installation, the Wookey document is simply directed to running a survey script on an existing (already created), fully installed and operational host computer. Wookey, abstract. The objective of the Gonzalez document is to create a NIP in response to a customer ordering a hardware package, as opposed to running script on an existing, installed host.

Because the Gonzalez document is directed to an environment where the hardware and software are already known, running the script of the Wookey document would not have been motivated or suggested. In addition, because the host computer of the Wookey document must be operational and connected to a network to download and run the survey script of Wookey, there would have been no need for Gonzalez' NIP to create the hardware set up to make it operational and connect to a network. Gonzalez, abstract. As such, these documents teach away from their combination, and from Applicants' claimed feature of a data management tool which transfers software packages to an installation tool. Moreover, neither the Gonzalez nor the Wookey document teaches how a system could have been configured with a data management tool to transfer software packages to an installation tool as presently claimed.

Claims 1 and 9 are therefore allowable over the Gonzalez, Wookey, Brown, Te'eni and Moshir documents, as none of these documents, alone or in combination, disclose or suggest each and every element of Applicants' claims 1 and 9.

Dependent claims 4-6, 8, 12-14 and 16-20 are allowable for at least the reasons stated herein, and because they recite additional advantageous features which further distinguish over the cited art.

Claim 21 is allowable for at least the reasons stated herein, as it recites elements similar to those discussed with respect to independent claims 1 and 9.

### **Conclusion**

From the foregoing, further and favorable action in the form of a Notice of Allowance is respectfully requested.

In the event that there are any questions concerning this amendment, or the application in general, the Examiner is respectfully requested to telephone the undersigned so that prosecution of present application may be expedited.

Respectfully submitted,

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